

counsel, again requested reconsideration. By decision dated December 19, 2017, OWCP denied modification of its prior decisions.

The Board finds that the case is not in posture for decision because the record submitted to the Board is incomplete. In its September 27, 2016 decision, OWCP discussed and relied upon a September 27, 2016 statement from appellant's supervisor, M.M., which was initialed by others the acquisitions logistics division chief, as well as a supporting agenda to deny that appellant's alleged December 17, 2014 traumatic injury occurred in the performance of duty. The record before the Board on appeal does not contain this statement or the supporting agenda and, in light of OWCP's reliance on this evidence, the Board finds that the case is not in posture for decision.

Section 501.2(c) of the Board's *Rules of Procedure*,² provides that the Board has jurisdiction to consider and decide appeals from the final decision of OWCP in any case arising under the Federal Employees' Compensation Act.³ Because the record as transmitted to the Board does not contain evidence that OWCP relied upon in reaching a final decision, which includes M.M.'s September 27, 2016 statement and the supporting agenda, it is incomplete and would not permit an informed adjudication of the case.⁴ The Board will, therefore, remand the case to OWCP for reconstruction and proper assemblage of the record to include M.M.'s September 27, 2016 statement, the supporting agenda, and all other evidence reviewed by OWCP in its December 19, 2017 decision.⁵ After such further development as deemed necessary, OWCP shall issue a *de novo* decision on appellant's December 17, 2014 traumatic injury claim.

² 20 C.F.R. § 501.2(c).

³ 5 U.S.C. § 8101 *et seq.*

⁴ *See D.H.*, Docket No. 17-0224 (issued August 16, 2018).

⁵ *Id.*; *W.M.*, Docket No. 17-1667 (issued October 1, 2018).

IT IS HEREBY ORDERED THAT the December 19, 2017 decision of the Office of Workers' Compensation Programs is set aside and the case is remanded for further proceedings consistent with this order of the Board.

Issued: August 13, 2019
Washington, DC

Christopher J. Godfrey, Chief Judge
Employees' Compensation Appeals Board

Patricia H. Fitzgerald, Deputy Chief Judge
Employees' Compensation Appeals Board

Janice B. Askin, Judge
Employees' Compensation Appeals Board